

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALT L. SIMMONS,  
Plaintiff,

v.

MARTIN J. HERRERA, M. S.  
EVANS, D. M. MANTEL, K.  
JONES, G.A. NEOTTI, N.  
GRANNIS, S. DEATHRIDGE,  
Defendants.

No. C 09-0318 JSW (PR)  
ORDER OF DISMISSAL

Plaintiff, currently incarcerated at Salinas Valley State Prison in Soledad, California, filed this civil rights complaint regarding the conditions of his confinement at the prison under 42 U.S.C. § 1983. On May 11, 2009, this Court denied Plaintiff's motion to proceed *in forma pauperis* and ordered Plaintiff to pay the filing fee within thirty (30) days of the Court's order. In the Court's order, Plaintiff was advised that his failure to comply with the Court's order in a timely fashion would result in the dismissal of this matter for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (*See*, docket no. 3.) Plaintiff has not responded.

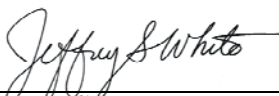
A district court may sua sponte dismiss an action for failure to prosecute or to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See Link v. Wabash R.R.*, 370 U.S. 626, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991).

More than 30 days have passed since the Court's order. Accordingly, Plaintiff's complaint is hereby dismissed without prejudice for failure to prosecute this matter

1 pursuant to Fed. R. Civ. P. 41(b).

2 IT IS SO ORDERED.

3 DATED: June 22, 2009

4   
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

WALTER F. SIMMONS,  
Plaintiff,

Case Number: CV09-00318 JSW

**CERTIFICATE OF SERVICE**

v.


MARTIN J. HERRERA et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 22, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Walt L. Simmons  
Salinas Valley State Prison  
P78257  
P.O. Box 1050  
Soledad, CA 93960-1050

Dated: June 22, 2009

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk